



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

INTERIM DECISION

MKB/147240

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 09, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance – Katie Beckett Program, a telephone hearing was held on March 29, 2013. At the request of the petitioner, the record was held open for 20 days for the issuance of an Interim Decision directing the Bureau of Long-Term Support to review additional documents produced at the hearing, and re-determine petitioner's eligibility.

The issue for determination is whether respondent correctly denied petitioner's Medicaid eligibility under the provisions of the Katie Beckett program.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

Written Appearance by: Barbara Behrend, MS, RN  
Bureau of Long-Term Support  
1 West Wilson  
Madison, WI

ADMINISTRATIVE LAW JUDGE:

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is an 11 year old resident of Door County.

2. The petitioner is diagnosed with Fanconi's Anemia, developmental delay, adjustment disorder with anxiety and depression, attention deficit hyperactivity disorder, celiac disease, dyslexia, tactile sensory sensitivities, and hypoplastic thumbs. Exhibit 2.
3. Petitioner applied for Wisconsin Medicaid through the Katie Beckett program on August 29, 2012. On January 4, 2013, the respondent notified petitioner that it had determined that the petitioner did not meet the requirements necessary to be eligible for the Katie Beckett program. Exhibit 1.
4. On February 9, 2013, an appeal was filed on the Petitioner's behalf with the Division of Hearings and Appeals.

### DISCUSSION

The purpose of the "Katie Beckett" waiver is to encourage cost savings to the government by permitting disabled children, who would otherwise be institutionalized, to receive MA while living at home with their parents. Wis. Stats., § 49.47(4)(c)1m. The agency is required to review Katie Beckett waiver applications in a five-step process. The first step is to determine whether the child is age 18 or younger and disabled. Petitioner continues to meet this first standard. The second step is to determine whether the child requires a level of care that is typically provided in a hospital, nursing home, or ICF-MR. The agency determined that petitioner does not require this level of care. (The remaining three steps are assessment of appropriateness of community-based care, costs limits of community-based care, and adherence to income and asset limits for the child.)

At the fair hearing held on March 29, 2013, the petitioner's representative provided medical records and correspondence from petitioner's providers. See, Exhibits 3 and 4. Based upon the respondent's February 13, 2013, correspondence, it does not appear that the respondent has had the opportunity to review either Exhibit to date.

Accordingly, the matter is remanded to the respondent with instructions to review the attached Exhibits 3 & 4, and to re-determine whether the petitioner meets the level of care requirements necessary to be eligible for Wisconsin Medicaid under the Katie Beckett program. The Division is also directed to issue a statement of its re-determination, **with a copy to the petitioner**, to be completed within 20 days of the date of this Interim Decision. Thereafter, the administrative law judge will render a Final Decision in the matter.

**NOW, THEREFORE, it is**

### ORDERED

That the matter is remanded to the Department of Health Services, Bureau of Long Term Support, Attn: Barbara Behrend, MS, RN, with instructions to review the Katie Beckett program application, the documents already on file, and specifically Exhibits 3 and 4, and render a re-determination within 20 days of the date of this Decision, as directed above. Exhibits 3 and 4 are attached to this Interim Decision.

Given under my hand at the City of Madison,  
Wisconsin, this 17th day of April, 2013

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\sPeter McCombs  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on April 17, 2013.

Bureau of Long-Term Support  
Division of Health Care Access and Accountability